

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JAMES OLIVER, )  
 )  
Petitioner, )  
 )  
vs. ) CIVIL ACTION 09-00052-KD-B  
 )  
JOHN CUMMINS, )  
 )  
Respondent. )

ORDER

Petitioner, an Alabama inmate proceeding pro se, filed the instant action pursuant to 28 U.S.C. § 2254. A review of the docket sheet reflects that Petitioner did not pay the \$5.00 filing fee or, in lieu thereof, file a motion to proceed without prepayment of fees, when he filed his petition (Doc. 1). Accordingly, Petitioner is hereby **ORDERED** to pay the filing fee, or in lieu thereof, to complete and file this Court's form for a motion to proceed without prepayment of fees by **March 2, 2009**. See Local Rule 83.9(d)(1). Failure to comply with this Order within the prescribed time or to notify the court of a change in address will result in a recommendation of dismissal of this action without prejudice for failure to prosecute and to obey the Court's Order.

The Clerk is **DIRECTED** to send petitioner the form for a motion to proceed without prepayment of fees.

**DONE** this 29<sup>th</sup> day of January, 2009.

/s/SONJA F. BIVINS  
UNITED STATES MAGISTRATE JUDGE